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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIGI J. MONTES,
ALEXANDER HOYOS RIVERA, and
PETER ALEXANDER STINCER,
Defendants.

Case No. 2:21-mj-1027-DJA

**ORDER to Continue the Preliminary
Hearing (Fifth Request)**

It is hereby stipulated and agreed, by and between Jason M. Frierson, United States Attorney, through Jim W. Fang, Assistant United States Attorney, Charles Medlin, Esq. and Jess Marchese, Esq., counsel for Defendant Luigi J. Montes, Ivette A. Maningo, Esq., counsel for Defendant Alexander Hoyos Rivera, and Jacqueline M. Tirinnanzi, Esq., counsel for Defendant Peter Alexander Stincer, that the preliminary hearing in the above-captioned matter, previously scheduled for December 5, 2022, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the current setting.

1 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the
2 defendant’s consent and upon a showing of good cause—taking into account the public
3 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time
4 limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the
5 potential to resolve this matter before defendants are formally charged by a criminal
6 indictment.

7 2. In that regard, all defendants and the government have agreed as to the terms
8 of plea for each defendant without an indictment. The parties still need time to finalize and
9 execute the agreements, and provide the agreements to the district court for consideration,
10 review, and acceptance. As such, the parties request a continuance of the preliminary
11 hearing in this matter until a time convenient to the Court, but no earlier than 90 days from
12 the current setting.

13 3. This continuance is not sought for the purposes of delay, but to provide the
14 parties with additional time to resolve the matter pre-indictment.

15 4. Defendants are not in custody and agree to the continuance.

16 5. Denial of this request could result in a miscarriage of justice, and the ends of
17 justice served by granting this request outweigh the best interest of the public and the
18 defendants in a speedy trial.

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6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

DATED this 30th day of November, 2022.

JASON M. FRIERSON
United States Attorney

s/ Jim W. Fang
JIM W. FANG
Assistant United States Attorney
Counsel for the United States

s/ Jess Marchese
JESS MARCHESE, ESQ.
Counsel for Defendant Montes

s/ Ivette A. Maningo
IVETTE A. MANINGO, ESQ.
Counsel for Defendant Rivera

s/ Jacqueline M. Tirinnanzi
JACQUELINE M. TIRINNANZI, ESQ.
Counsel for Defendant Stincer

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FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. All defendants and the government have agreed as to the terms of plea for each defendant without an indictment. The parties still need time to finalize and execute the agreements, and provide the agreements to the district court for consideration, review, and acceptance. The Court finds good cause to continue the hearing to allow the parties to resolve the matter pre-indictment.

2. Both counsels for defendants and counsel for the government agree to the continuance.

3. Defendants are not in custody and agree to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to resolve the matter pre-indictment.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter currently scheduled for December 5, 2022, at 4:00 p.m. be vacated and continued to March 6, 2023, at 4:00 p.m., Courtroom 3A.

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